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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,224	01/31/2005	Rolf Huss	232346	8055

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EXAMINER	
DONDERO, WILLIAM E	

ART UNIT	PAPER NUMBER
3654	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,224	HUSS ET AL.	
	Examiner	Art Unit	
	William E. Dondero	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-29,31 and 32* is/are rejected.

7)☒ Claim(s) *30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-18 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Barea (EP-0489307). Regarding Claim 17, Barea discloses a method of operating yarn feeders for feeding yarn to a textile machine, comprising in a trial phase, operating the yarn feeders 3 in a tension regulated mode; detecting yarn feeding parameters of the yarn feeders operated in the tension-regulated mode (tension sensors 31 and 32, see Column 3, Lines 39-48), the determined parameters being of a type selected from yarn speed or yarn quantity fed; determining, from the detected yarn feeding parameters detected during the trial phase, an operational yarn feeding parameter of the selected type; and in an operating phase, operating the yarn feeders according to the operational feeding parameter (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 18, Barea discloses the step of operating in the trial phase operates the yarn feeders in accordance with matching set-point tensions (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 21, Barea discloses the yarn feeders includes a group of yarn feeders, and wherein the step of determining determines the operational yarn feeding parameter based on the detected yarn feeding parameter of all the yarn feeders in the group (Figure 1, Column 3, Line 39 – Column 7,

Line 5). Regarding Claim 22, Barea discloses the textile machine is a loop-forming machine, and wherein the operational yarn feeding parameter is set in proportion to a machine speed of the loop-forming machine (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 23, Barea discloses the step of determining calculates the operational yarn feeding parameter as an average of a plurality of the detected yarn feeding parameters (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 24, Barea discloses the step of determining includes weighting the plurality of detected yarn speeds or yarn quantities to form said average (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 25, Barea discloses generating an error signal if in the trial phase the detected yarn feeding parameters differ by more than a specified limit (Figure 1, Column 3, Line 39 – Column 7, Line 5). Regarding Claim 26, Barea discloses detecting yarn tensions of the yarn feeders during the operating phase, and generating an error signal if the detected yarn tensions differ by more than a specified limit (Figure 1, Column 3, Line 39 – Column 7, Line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-20 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barea (EP-0489307). Regarding Claims 19 and 27, Barea discloses a method of operating yarn feeders for feeding yarns to a textile machine as advanced

above in regards to Claims 17-18 and 21-26 wherein in the step of detecting includes generating signals of the detected yarn feeding parameters and delivering the signals over a signal line and the operational yarn feeding parameter being sent as a control signal to be stored in the memories 9 of the yarn feeders (Figure 1, Column 3, Line 39 – Column 7, Line 5). Barea is silent about a central control unit. However, central control units for a plurality of yarn feeding devices are notoriously old and well-known. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a central control unit to the system of Barea to allow settings common to all the yarn feeders for calculating the average of the operational yarn feeding parameter easily be input at one location. Regarding Claim 20 and 28, Barea discloses the signals are digital signals (Figure 1, Column 3, Line 39 – Column 7, Line 5).

Claims 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barea (EP-0489307) in view of Memminger et al. (US-4953367). Barea discloses a yarn feeding system for feeding a plurality of yarns to a textile machine, a loop forming machine 1, comprising a plurality of yarn feeders that form an operational group, each of selected yarn feeders in the operational group having a yarn tension sensor 31, a drive motor (motor for 35) with a yarn feed wheel 35, and a yarn speed regulator 35. Further Barea discloses a control 6 for each yarn feeder configured to receive, during a tension-regulated (tension sensor 31 and 32, see Column 3, Lines 38-49) trial phase, first signal indicative of detected yarn feeding parameters of a typed selected from yarn speed and yarn quantity and an arithmetic unit for calculating an operational feeding parameter of the selected type for controlling the operation of the yarn feeders during an

operational phase (Figure 1, Column 3, Line 39 – Column 7, Line 5). Barea is silent about the yarn sensor being a yarn tension regulator and a central control including an arithmetic unit. However, Memminger et al. disclose a yarn feeding system with a tension sensor 14 acting as a tension regulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the tension sensor of Barea as a further tension regulator as taught by Memminger et al. to assist the tension during the trial phase producing a first quality product. Further, central control units for a group of yarn feeding devices with calculations functionalities are notoriously old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a central control unit with an arithmetic unit, with an input for receiving a signal indicative of the loop-forming machine operating speed, and configured to receive detected yarn feeding parameters for each feeder controller and to send a control signal back to each feeder controller with the operational yarn feeding parameter to the system of Barea to allow settings common to all the yarn feeders for calculating the average of the operational yarn feeding parameter, including the machine operating speed, easily be input at one location.

Allowable Subject Matter

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

With respect to Applicant's arguments starting on page 7, line 13 to page 8, line 13. Applicant argues the instant invention does not produce an idealized product during the trial phase and Barea does not disclose a tension-regulated mode during the trial phase. Applicant's arguments have been fully considered but they are not persuasive. As regards to producing an idealized flawless product, there is nothing in the instant claims that says the product cannot be an idealized flawless product. Regarding Barea not disclosing a tension-regulated mode, it is noted that as cited previously, Barea discloses a tension-regulated mode by disclosing tension sensors 31 and 32 in Column 3, Lines 38-49.

With respect to Applicant's arguments starting on page 8, line 14 to page 9, line 7, Applicant argues Barea and Memminger do not have motivation to regulate tension, Barea produces a flawless product without tension regulation, and Memminger et al. does not employ tension regulation during a trial phase nor disclose two separate stages. Regarding the motivation, Barea discloses tension regulation to produce the product with sensors 31 and 32 (see Column 3, Lines 38-49). Further, Barea does in fact disclose tension regulation by sensors 31 and 32 (see Column 3, Lines 38-49). Finally, Memminger et al. are not relied on to disclose tension regulation during a trial phase nor the two phases. Memminger et al. is used to teach using a sensor as a regulator as advanced above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wed

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
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